

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

CASE NO: 5:20-CV-00385-M

JUDSON WITHAM,)	
)	
Plaintiff,)	
)	
v.)	
)	
UNITED STATES GOVERNMENT,)	
JUDGE TERRANCE BOYLE,)	ORDER
DEC NEW YORK STATE,)	
STATE OF NEW YORK,)	
GOVERNOR ANDREW CUOMO,)	
BASIL SEGGOS, DEC Commissioner,)	
STATE OF NORTH CAROLINA,)	
WARREN COUNTY NEW YORK,)	
THE LAKE GEORGE COMMISSION,)	
NEW YORK STATE CONSERVATION COM,)	
STATE OF VERMONT,)	
)	
Defendants.)	

Before the court is a "Notice of Additional Defendants" filed by Plaintiff and construed by the court as a motion seeking the following "relief":

1. All Sewage Discharges germane to Judge Terrance W. Boyles Clerks, Employees and ALL Judges in North Carolina POOPING and PEEING and Flushing Toxins into North Carolina's Public Waters and the Public Waters of the United States BE RECUSED and REMOVE Themselves from this matter.
2. This case be placed BACK On the Docket for Further Proceedings to ferret out all SEWAGE and TOXINS releases from Judge Terrance W. Boyles PERSONAL BATHROOMS and those of His Staff and Clerks to include all other Judges Crapping Up North Carolina's Public Waterways and those of the United States.
3. Based on this NEW EVIDENCE of Immense Conflicts of Interests JUDSON WITHAM DEMANDS New Trials and Proceedings in ALL CASES Denies and Dismissed by Judge Terrance W. Boyle and the Federal

Judges of North Carolina and the th [sic] Circuit Court of Appeals in Virginia and THE UNITED STATES SUPREME COURT.

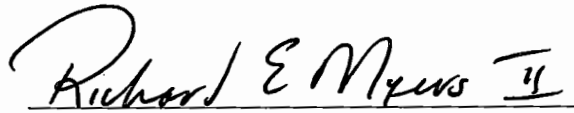
4. Plaintiff Witham demands all costs and expenses associated with these Cases and The Damages sought in those cases be AWARDED in Accordance with a JURY VERDICT and allow the JURY to set the amounts of the Damages Award.

Mot. at 52-53, DE 18. The motion's request for relief is identical to that Plaintiff requested in a motion filed on December 29, 2020 in this case and to identical documents filed in 5:20-CV-00446-M (closed January 4, 2021). The court has construed Plaintiff's request as seeking to reopen all cases dismissed by the Honorable Terrance W. Boyle and "the Federal Judges of North Carolina and the Circuit Court of Appeals in Virginia and the United States Supreme Court" and for recusal of these judges. *See* DE 16, 17. The court found Plaintiff's request legally unsupported, improper, and frivolous and noted that the relief requested was also the same or similar to that Plaintiff requested in motions filed in other closed cases, 5:17-cv-171-M (DE 27) and 5:19-cv-260-BR (DE 19) on June 9, 2020. DE 17. The court reminded the Plaintiff that any repetitive unsupported and/or frivolous requests for relief may be stricken and he may be sanctioned for improper litigation conduct. *See Weathers v. Ziko*, 113 F. Supp. 3d 830, 834 (M.D.N.C. 2015), *aff'd*, 648 F. App'x 350 (4th Cir. 2016) ("There is ... no doubt that pro se litigants are subject to any and all appropriate sanctions for their misconduct.' This includes pro se litigants who file frivolous or repetitive complaints.") (quoting *Zaczek v. Fauquier Cnty.*, 764 F. Supp. 1071, 1077 (E.D. Va. 1991)).

Here, Plaintiff's motion is prolix, rambling, indiscernible at times, and contains the same request for relief previously denied. Accordingly, the present motion is DENIED. Because the present motion was filed only three days after the court's previous order, and it is unclear whether Plaintiff had received a copy of the order at the time he filed the present motion, the court will not

consider imposing sanctions at this time. However, Plaintiff is reminded that he may be sanctioned for any further improper litigation conduct, including but not limited to the filing of repetitive unsupported and/or frivolous requests for relief, if he fails to comply with the applicable law, rules, or this court's orders.

SO ORDERED this 14th day of January, 2021.

A handwritten signature in black ink, reading "Richard E. Myers II". The signature is written in a cursive style with a horizontal line underneath the name.

RICHARD E. MYERS II
CHIEF UNITED STATES DISTRICT JUDGE